

Effective 5/13/2014

Superseded 5/12/2015

19-2-107 Director -- Appointment -- Powers.

- (1) The executive director shall appoint the director. The director shall serve under the administrative direction of the executive director.
- (2)
 - (a) The director shall:
 - (i) prepare and develop comprehensive plans for the prevention, abatement, and control of air pollution in Utah;
 - (ii) advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, and affected groups, political subdivisions, and industries in furtherance of the purposes of this chapter;
 - (iii) review plans, specifications, or other data relative to pollution control systems or any part of the systems provided in this chapter;
 - (iv) under the direction of the executive director, represent the state in all matters relating to interstate air pollution, including interstate compacts and similar agreements;
 - (v) secure necessary scientific, technical, administrative, and operational services, including laboratory facilities, by contract or otherwise;
 - (vi) encourage voluntary cooperation by persons and affected groups to achieve the purposes of this chapter;
 - (vii) encourage local units of government to handle air pollution within their respective jurisdictions on a cooperative basis and provide technical and consulting assistance to them;
 - (viii) determine by means of field studies and sampling the degree of air contamination and air pollution in all parts of the state;
 - (ix) monitor the effects of the emission of air contaminants from motor vehicles on the quality of the outdoor atmosphere in all parts of Utah and take appropriate responsive action;
 - (x) collect and disseminate information relating to air contamination and air pollution and conduct educational and training programs relating to air contamination and air pollution;
 - (xi) assess and collect noncompliance penalties as required in Section 120 of the federal Clean Air Act, 42 U.S.C. Section 7420;
 - (xii) comply with the requirements of federal air pollution laws;
 - (xiii) subject to the provisions of this chapter, enforce rules through the issuance of orders, including:
 - (A) prohibiting or abating discharges of wastes affecting ambient air;
 - (B) requiring the construction of new control facilities or any parts of new control facilities or the modification, extension, or alteration of existing control facilities or any parts of new control facilities; or
 - (C) adopting other remedial measures to prevent, control, or abate air pollution; and
 - (xiv) as authorized by the board and subject to the provisions of this chapter, act as executive secretary of the board under the direction of the chairman of the board.
 - (b) The director may:
 - (i) employ full-time, temporary, part-time, and contract employees necessary to carry out this chapter;
 - (ii) subject to the provisions of this chapter, authorize any employee or representative of the department to enter at reasonable time and upon reasonable notice in or upon public or private property for the purposes of inspecting and investigating conditions and plant records concerning possible air pollution;

- (iii) encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to air pollution and its causes, effects, prevention, abatement, and control, as advisable and necessary for the discharge of duties assigned under this chapter, including the establishment of inventories of pollution sources;
 - (iv) collect and disseminate information relating to air pollution and the prevention, control, and abatement of it;
 - (v) cooperate with studies and research relating to air pollution and its control, abatement, and prevention;
 - (vi) subject to Subsection (3), upon request, consult concerning the following with any person proposing to construct, install, or otherwise acquire an air contaminant source in Utah:
 - (A) the efficacy of any proposed control device or proposed control system for the source; or
 - (B) the air pollution problem that may be related to the source, device, or system;
 - (vii) accept, receive, and administer grants or other funds or gifts from public and private agencies, including the federal government, for the purpose of carrying out any of the functions of this chapter;
 - (viii) subject to Subsection 19-2-104(3)(b)(i), settle or compromise any civil action initiated by the division to compel compliance with this chapter or the rules made under this chapter; or
 - (ix) as authorized by the board and subject to the provisions of this chapter, exercise all incidental powers necessary to carry out the purposes of this chapter, including certification to any state or federal authorities for tax purposes the fact of construction, installation, or acquisition of any facility, land, building, machinery, or equipment or any part of them, in conformity with this chapter.
- (3) A consultation described in Subsection (2)(b)(vi) does not relieve a person from the requirements of this chapter, the rules adopted under this chapter, or any other provision of law.